

**CALENDAR ITEM
C18**

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08/19/15
PRC 8081.1
S. Kreutzburg

**TERMINATION OF A RECREATIONAL PIER LEASE AND
ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Stephen Millham and Ann Ferrell Millham

APPLICANT:

Marc Metcalf and Deborah Metcalf, as Trustees of The Metcalf Family Trust
under Agreement dated November 15, 2012

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 3334 Edgewater Drive, near
Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning August 19, 2015.

CONSIDERATION:

\$754 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.

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2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On April 6, 2011, the Commission authorized a 10-year Recreational Pier Lease to Stephen Millham and Ann Ferrell Millham. On July 1, 2014, ownership of the upland property was deeded to Marc Metcalf and Deborah Metcalf, as Trustees of The Metcalf Family Trust under Agreement Dated November 15, 2012. The Applicant is now applying for a General Lease – Recreational Use.
3. Staff recommends terminating the existing lease because the Lessee abandoned the lease by transferring the property and facility without executing a quitclaim deed.
4. Staff recommends that the Commission accept compensation in the amount of \$817 for the unauthorized occupation of state land, for the period beginning July 1, 2014, when the Applicant took ownership, through August 18, 2015.
5. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

6. **Issuance of Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

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7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize termination, effective August 18, 2015, of Lease No. PRC 8081.9, a Recreational Pier Lease, issued to Stephen Millham and Ann Ferrell Millham.
2. Authorize acceptance of compensation in the amount of \$817 for the unauthorized occupation of state land for the period from July 1, 2014, to August 18, 2015.
3. Authorize issuance of a General Lease – Recreational Use to Marc Metcalf and Deborah Metcalf, as Trustees of The Metcalf Family Trust under Agreement dated November 15, 2012, beginning August 19,

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2015, for a term of 10 years, for the continued use and maintenance of two existing mooring buoys as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$754, with an annual Consumer Price index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8081.1

LAND DESCRIPTION

Two parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 fractional Section 33, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

PARCELS 1 & 2 – BUOYS (2)

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to those parcels as described in Exhibit "A" of that Grant Deed recorded July 1, 2014 as Document 2014-0044100 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared May 20, 2015 by the California State Lands Commission Boundary Unit.



APN 093-094-038

APPROXIMATE

SHORELINE

6223'± LTD

350'±

L A K E



75'±

EXISTING
BUOYS (2)

T A H O E



EXHIBIT A

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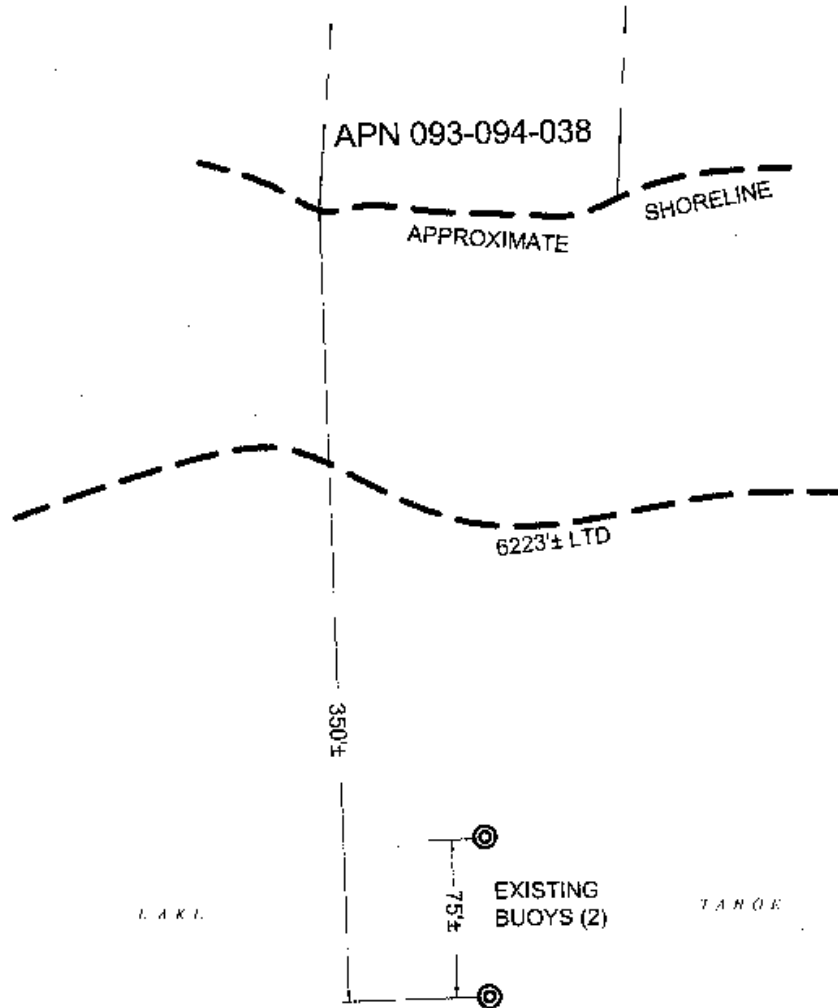
LAND DESCRIPTION PLAT
PRC 8081.1, METCALF FAMILY TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

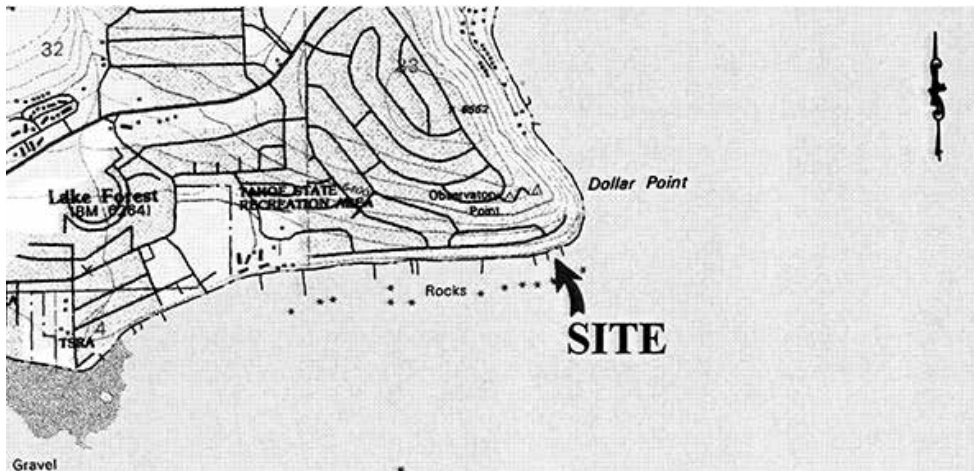
SITE



3334 EDGEWATER DRIVE, NEAR TAHOE CITY

NO SCALE

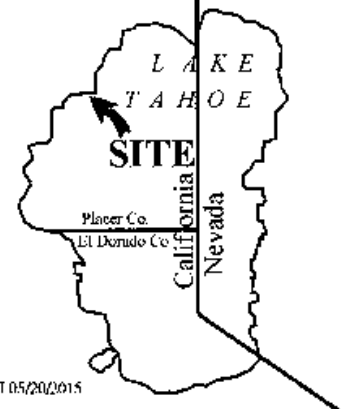
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8081.1
METCALF FAMILY TRUST
APN 093-094-038
GENERAL LEASE-
RECREATIONAL USE
PLACER COUNTY



MIT 05/20/2015

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.